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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614.635	07/07/2003	Gregory Z. Jigamian	XEN1.PAU.02	7662
45722	7590	11/30/2006	EXAMINER	
PLEVY & HOWARD & DARCY P.C. P.O. BOX 226 PHILADELPHIA, PA 19034			SEMBER, THOMAS M	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,635

Applicant(s)

JIGAMIAN, GREGORY Z.

Examiner

Thomas M. Sember

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 8-38 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 39 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims 8-38 are drawn to an invention nonelected with traverse in the paper filed on 09/14/05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 39 is rejected because it fails to further limit independent claim 1.

Independent claims was amended to be limited to only three different lamps, and claim 39 attempts to further expand claim 1 to include an additional 4 lamps.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petroski. Petroski discloses the claimed invention except for the teaching that the light source is one of a Petroski discloses a lamp 14 for efficiently producing a high intensity beam of light comprising a printed circuit board 26 having circuitry to regulate and control power supplied to the lamp and having a first surface and a second surface opposite said first surface, and a heat sink 20a mounted onto a portion of said first surface of said circuit board. A housing 22 contains the printed circuit board, and a heat sink (20 and 30) coupled to the printed circuit board, the heat sink also coupled to the housing to dissipate heat generated by the printed circuit board.

It would have been obvious to one skilled in the art at the time the invention was made to substitute an arc lamp, plasma lamp or incandescent lamp for the LED of Petroski in order to provide a more efficient, longer lasting light source.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims are 1-2, 4-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galli 2004/013892. Galli 2004/013892 discloses the claimed invention except for the teaching that the light source is one of a Galli 2004/013892

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discloses a lamp 30 for efficiently producing a high intensity beam of light comprising a printed circuit board 38 having circuitry to regulate and control power supplied to the lamp; and having a first surface and a second surface opposite said first surface, and a heat sink 24 mounted onto a portion of said first surface of said circuit board. A housing 10 contains the printed circuit board. the heat sink is also coupled to the housing to dissipate heat generated by the printed circuit board.

It would have been obvious to one skilled in the art at the time the invention was made to substitute an arc lamp, plasma lamp or incandescent lamp for the LED of Galli 2004/013892 in order to provide a more efficient, longer lasting light source.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Galli '892 in view of Petroski. Galli '892 teaches the claimed invention except for the teaching that the housing is made of aluminum material. At column 3, lines 8-10, Petroski teaches that heat is transferred through heat sink 20 and 30 through outer body 22. It would have been obvious to one skilled in the art at the time the invention was made to make the housing 22 of Petroski out of aluminum because Petroski teaches that heat is transferred through the outer body and at column 3, lines 21-30, Petroski teaches it is

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well known to use aluminum to transfer heat. Alternatively, it would have been obvious to one skilled in the art at the time the invention was to modify the housings of Galli '892 out of aluminum since Petroski teaches it is advantageous to transfer the heat through the lamp housing.

Allowable Subject Matter

3. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claim 40 is allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 1-5 and 7 have been considered but are moot in view of the new ground(s) of rejection. The rejection of claims in view of Chapman have been withdrawn based on applicant's arguments being persuasive.

The applicant argues that Petroski fails to teach that a heat sink is mounted onto a portion of said first surface of said circuit board. The applicant further argues that the heat sink 20 has additional portion 20b which surround a the circuit board 26. This argument is not found persuasive, as broadly claimed Petroski clearly teaches

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applicant's claimed invention because the heat sink 20a is only MOUNTED on one surface of the circuit board 26.

Applicant argues that Gali fails to teach that a heat sink is mounted onto a portion of said first surface of said circuit board. The applicant then refers to different embodiments not originally referred to by the examiner. This argument is not found persuasive, as broadly claimed Gali teaches a heat sink 24 mounted onto a portion of said first surface of said circuit board 38.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 8 A.M- 5.30 p.m. first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas M Sember
Primary Examiner
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